

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**SUMANTA BANERJEE,

Debtor.**

Case No. 21-21306-CMB

Chapter 7

Document. No.

**SUMANTA BANERJEE,

Movant,**

- vs. -

**SADIS & GOLDBERG, LLP,

Respondent.**

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Sumanta Banerjee, the Debtor in the instant Chapter 7 Case, by and through his undersigned Counsel, John P. Lacher, and files the following Motion for Relief from the Automatic Stay:

1. The Movant is Sumanta Banerjee, the Debtor in the above Chapter 7 Case.
2. Prior to the commencement of the instant Chapter 7 Case, Sadis & Goldberg, LLP ("Sadis") commenced a lawsuit against, inter alia, the Debtor at Case No. 19-CV-1682 in the United States District Court for the Western District of Pennsylvania. A default judgment was entered in the District Court case against, inter alia, the Debtor.
3. An attempt to set aside the default judgment was denied by the District Court and an appeal of said denial was taken to the Third Circuit Court of Appeals at Case No. 20-2739 with the Debtor being an appellant.

4. Later in the District Court Case, the District Court imposed a constructive trust upon, inter alia, the Debtor. A request for reconsideration of the imposition of the constructive trust was denied and a second appeal was taken to the Third Circuit Court of Appeals at Case No. 21-1435 with the Debtor once again being an appellant.

5. On June 1, 2021, the Debtor commenced the instant Chapter 13 Case which resulted in a stay of the appeals pending in the Third Circuit.

6. Sadis has filed a Proof of Claim in this Chapter 7 Case based upon the default judgment it obtained in District Court and which underlies the pending appeals in the Third Circuit.

7. Sadis asserts claims which are, by far, the largest claims involved in Debtor's Chapter 7 Case.

8. Debtor respectfully requests this Honorable Court to enter relief from stay vis-à-vis the Third Circuit appeals to allow Debtor to prosecute same and quantify any claim which Sadis may have as to the Debtor.

9. Debtor disputes Sadis' claim and believes same should be significantly reduced if not eliminated. However, this Honorable Court will not, sit in an appellate capacity and undo the default judgment entered by the District Court. On the contrary, it is the Third Circuit Court of Appeals which is the proper Court to make such a determination.

10. The large amount of Sadis' claim has a large impact on the Chapter 7 Case. It would be in the best interests of the Estate herein for the Third Circuit to determine the validity of the judgment underlying Sadis' claim herein.

WHEREFORE, it is respectfully requested that this Honorable Court grant relief from stay to the Debtor to allow him to pursue his pending appeals in the Third Circuit Court of Appeals.

Date: June 13, 2022

/s/ John P. Lacher
JOHN P. LACHER
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CERTIFICATE OF SERVICE

I, John P. Lacher, hereby certify, that on the 13th day of June 2022, I served a true and correct copy of the foregoing **MOTION FOR RELIEF FROM THE AUTOMATIC STAY** upon the following (via electronic service):

Ben Hutsman
Sadis & Goldberg, LLP
551 Fifth Avenue, 21st Floor
New York, NY 10176

Gary M. Sanderson
Meyer, Unkovic & Scott LLP
535 Smithfield Street, Ste. 1300
Pittsburgh, PA 15222

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

Dated: June 13, 2022

/s/ John P. Lacher
JOHN P. LACHER
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ORDER OF COURT

It is hereby ORDERED, ADJUDGED and DECREED that relief from the automatic stay herein is granted to Debtor Sumanta Banerjee so as to allow him to go forward with the appeals pending in the Third Circuit Court of Appeals at Case Nos. 20-2739 and 21-1435.

DATE: _____

Carlota M. Bohm
United States Bankruptcy Court